

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 607 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AJNALA KHETI STORES

Versus

GUJARAT AGRO INDUSTRIES CORPORATION LIMITED

Appearance:

MR KV SHELAT for Petitioner

MS PJ DAWAWALA for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 23/04/98

ORAL JUDGEMENT

Heard the learned Advocates for the parties. By the impugned order, the petitioner has challenged the order dated 4.12.1997 whereby conditional leave to defend has been granted on payment of Rs.1,50,000/- as security to the plaintiff. The order dated 4.12.1997 passed by the learned Chamber Judge, City Civil Court, Ahmedabad stating that the defendant has not produced any receipt

as mentioned in the leave to defend application for making the alleged payment. It is contended by the learned Advocate that the impugned order is a non-speaking order.

2. A speaking order necessarily does not mean a well drafted judgment. It must disclose the mind of the Judge as to what reason prevailed for passing the order granting or refusing leave to defend. Even one order in one paragraph may be said to be a speaking order and order running in pages may not constitute a speaking order. Mr Shelat, learned Advocate appearing for the petitioner has invited my attention to letter of the Regional Manager of the plaintiff-Corporation addressed to its Delhi Office showing that the entire account was settled. Learned Advocate appearing for the Gujarat Agro Industries Corporation says that the letter is undated. He further submits that this aspect was canvassed before the learned Chamber Judge. Be that as it may, this aspect has not been dealt with by the learned Judge. Therefore, the impugned order falls in the category of non-speaking order. It is expected of the learned Judge to give in brief at least some of the major contentions.

3. In view of the aforesaid, this Revision Application is allowed. The impugned order dated 4.12.1997 is quashed and set aside. The Chamber Judge is directed to pass a fresh speaking order after hearing the learned Advocates for the parties. The parties shall appear before the learned Chamber Judge on 27.4.1998. The learned Chamber Judge will decide the matter within a week from the date of appearance. Rule made absolute to the aforesaid extent.

23.4.98 [N N Mathur, J]
msp.